

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM CURRY JR,

Plaintiff,

v.

ELENA M LOPEZ, JOHN SCOTT,
JOHN ROCKWELL, RICHARD
STEINBACH,

Defendants.

CASE NO. 3:14-CV-05876-RJB-DWC

ORDER

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed this civil rights Complaint pursuant to 42 U.S.C. § 1983. *See* Dkt. 1. Presently before the Court is Plaintiff's Motion for Reconsideration of Motion to Compel Discovery ("Motion"). Dkt. 25. After reviewing the Motion and relevant record, the Court denies the Motion as it (1) is untimely; and (2) does not meet the standard outlined in Local Civil Rule 7(h).

In his Motion, effectively filed August 17, 2015, Plaintiff seeks reconsideration of the Court's July 16, 2015 Order denying Plaintiff's Motion to Compel. *Id.* The Court denied Plaintiff's Motion to Compel (Dkt. 20) because (1) Plaintiff failed to include a certification he, in

1 good faith, conferred with counsel as required by Federal Rule of Civil Procedure 37(a)(2)(B);
2 and (2) Defendants provided responses to the discovery requests Plaintiff sought to compel. *See*
3 Dkt. 23. In his Motion, Plaintiff restates, verbatim, the arguments raised in his Motion to Compel
4 (*see* Dkt. 20) and alleges the assistant attorney general is trying to transfer Plaintiff in retaliation.
5 Dkt. 25.

6 Pursuant to Local Civil Rule 7(h), motions for reconsideration are disfavored and will be
7 denied absent a showing of manifest error or a showing of new facts or legal authority which
8 could not have been presented earlier with reasonable diligence. A motion for reconsideration
9 “shall be filed within fourteen days after the order to which it relates is filed.” LCR 7(h)(2).

10 Here, Plaintiff has failed to timely file his Motion. The Order denying Plaintiff’s Motion
11 to Compel was entered on the docket July 17, 2015. *See* Dkt. 23 (docket entry text). Thus, any
12 motions for reconsideration were due by July 31, 2015. Plaintiff did not file his Motion until
13 August 17, 2015, which was seventeen days after the time for filing expired. Therefore,
14 Plaintiff’s Motion is untimely.

15 Additionally, Plaintiff has not met the standard outlined in Local Civil Rule 7(h). Plaintiff
16 fails to show a manifest error in the Court’s prior ruling. Plaintiff also fails to provide new facts
17 or legal authority which relate to Defendants alleged failure to respond to Plaintiff’s discovery
18 requests.

19 As the Motion is untimely and does not meet the standard outlined in Local Civil Rule
20 7(h), Plaintiff’s Motion for Reconsideration is denied.

21 Dated this 26th day of August, 2015.

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24 David W. Christel
United States Magistrate Judge